

**BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**THOMAS F. KALKHOFF, D.O., RESPONDENT**

**No. 03-2000-415**

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**STATEMENT OF CHARGES,**

**SETTLEMENT AGREEMENT and FINAL ORDER  
(combined)**

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COMES NOW the Iowa Board of Medical Examiners (Board), and  
Thomas F. Kalkhoff, D.O., (Respondent) on May 3, 2001, and  
pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), file this combined Statement of  
Charges, Settlement Agreement and Final Order.

**STATEMENT OF CHARGES**

1. Respondent was issued license number 02149 to practice medicine and surgery  
in Iowa on March 28, 1986.
- 2 Respondent's Iowa medical license is valid and will next expire on March 1,  
2002.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters  
147,148 and 272C.

## **COUNT I**

4. Respondent is charged under section 272C.9(2) of the Code of Iowa (1999) and 653 IAC Section 12.4(10), with violating a statute or law which relates to the practice of medicine.

## **CIRCUMSTANCES**

5. Respondent is a primary care physician licensed and practicing in Iowa.

6. Respondent treated Patient #1, a minor child, between April 3, 1997 and January 3, 2000.

7. On October 21, 1999, Respondent's practice partner, an Iowa licensed physician, made a report of concerns of potential child abuse/neglect regarding Patient #1 to the Iowa Department of Human Services (DHS). Patient #1 presented on that date with a swollen right hand; an injury to a toe; and signs of bruising on her back, ribs and cheek. Patient #1 was diagnosed with a fractured 1<sup>st</sup> metacarpal of unknown etiology.

8. On January 3, 2000, Patient #1 presented to Respondent with sores on her buttocks and bruising around both eyes and her forehead. Patient #1 showed signs of lesions in her right labia and under her chin. Patient #1's mother indicated there had been reports of child abuse/neglect of Patient #1 in the past. Patient #1's mother indicated that Patient #1 bruises easily and denied any abuse/neglect. Respondent was aware that his practice partner had reported concerns of possible child abuse/neglect to DHS regarding Patient #1 on October 21, 1999. Respondent ordered tests for the next day and prescribed a cream for the lesions and sores.

9. No report of possible child abuse/neglect was made following Patient #I's January 3, 2000 office visit.

#### **SETTLEMENT AGREEMENT**

10. At the direction of the Board, Respondent agrees to successfully complete a prior approved Continuing Medical Education course in the area of child abuse recognition within ninety (90) days of the date of this Order.

11. Upon the Board's approval of this Statement of Charges, Settlement Agreement and Final Order, Respondent shall be assessed a civil penalty in the amount of \$5,000. The civil penalty shall be paid within 20 days thereafter by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the state general fund.

12. Respondent is hereby **CITED** for violating a statute or law which relates to the practice of medicine. Respondent is hereby **WARNED** that violating a statute or law which relates to the practice of medicine in the future may result in further formal disciplinary action against his Iowa medical license.

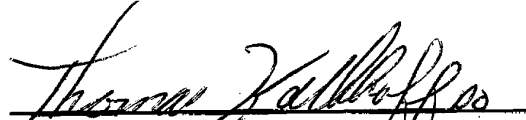
13. In the event Respondent fails to comply with the terms of this combined Statement of Charges, Settlement Agreement and Final Order, the Board may initiate appropriate action to revoke or suspend the Respondent's license or to impose other license discipline as authorized in Iowa Code Sections 148.6 and 272C.3(2)(a).

14. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case. By entering into this Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement and Final Order.

15. This combined Statement of Charges, Settlement Agreement and Final Order is voluntarily submitted by the Respondent to the Board for its consideration.

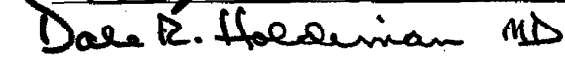
16. This combined Statement of Charges, Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this Settlement Agreement and Final Order it shall be of no force or effect to either party.

17. The Board's approval of this Settlement Agreement shall constitute a **FINAL ORDER** of the Board.

  
Thomas F. Kalkhoff, D.O., Respondent

Subscribed and sworn to before me on May 1, 2001.  
Joseph L. Fitzgibbons  
Notary Public, State of Iowa

This Statement of Charges, Settlement Agreement and Final Order is approved by the Board on May 3, 2001.

  
Dale R. Holdiman, MD, Chairperson  
Iowa Board of Medical Examiners  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, IA 50309-4686